

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KELLY MANN,

PLAINTIFF

V.

NO. 4:05CV7-P-D

DONALD CABANA, ET AL,

DEFENDANTS

**ORDER DENYING PLAINTIFF'S MOTION FOR CERTIFICATE OF
APPEALABILITY**

This *pro se* § 1983 complaint was dismissed with prejudice on December 8, 2005. On December 19, 2005, plaintiff filed notice of appeal and a motion for a Certificate of Appealability (COA). A COA is used only in habeas corpus proceedings. See FRAP 22(b). Therefore, the motion does not apply to this 1983 case. Accordingly, the motion is **denied**.

SO ORDERED this the 27th day of December, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE